

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: CORE SCIENTIFIC, INC., <i>et al.</i>, Debtors.¹	§ § § § § § §	Chapter 11 Case No. 22-90341 (CML) (Jointly Administered)
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**DECLARATION OF GREGORY N. WOLFE IN SUPPORT OF SPHERE 3D CORP.’S
EMERGENCY MOTION
TO EXCLUDE DAMAGES/OFFSET THEORIES**

I, Gregory N. Wolfe, under penalty of perjury, pursuant to 28 U.S.C. § 1746, declare that the following is true and correct, based on my personal knowledge:

1. I am an attorney at Dontzin Nagy & Fleissig LLP and represent Sphere 3D Corp. (“Sphere”) in this case. I am fully familiar with the facts concerning this matter. I respectfully submit this declaration in support of Sphere 3D Corp.’s Emergency Motion to Exclude Damages/Offset Theories.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of a hearing conducted by this Court on September 13, 2023 concerning Sphere’s Motion to Compel.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Debtors’ Supplemental Responses and Objections to Sphere’s First Set of Interrogatories.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Core Mining LLC (6971); Core Scientific, Inc. (3837); Core Scientific Acquired Mining LLC (N/A); Core Scientific Operating Company (5526); Radar Relay, Inc. (0496); Core Scientific Specialty Mining (Oklahoma) LLC (4327); American Property Acquisition, LLC (0825); Starboard Capital LLC (6677); RADAR LLC (5106); American Property Acquisitions I, LLC (9717); and American Property Acquisitions, VII, LLC (3198). The Debtors’ corporate headquarters and service address is 210 Barton Springs Road, Suite 300, Austin, Texas 78704.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Debtors' Amended Responses and Objections to Sphere's First Set of Interrogatories.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Sphere's First Set of Interrogatories.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Debtors' Responses and Objections to Sphere's First Set of Interrogatories.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a November 15, 2023 email my colleague sent to Debtors' counsel regarding Debtors' amended responses to Sphere's interrogatories.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a November 20, 2023 email Debtors' counsel sent to Sphere replying to Sphere's email regarding Debtors' amended responses to Sphere's interrogatories.

9. Attached hereto as **Exhibit 8** is a true and correct copy of Debtors' Responses and Objections to Sphere's Rule 30(b)(6) Notice of Deposition.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a December 7, 2023 email my colleague sent to Debtors' counsel offering a compromise under which Debtors produce discovery on their belatedly disclosed damages theories.

11. Attached hereto as **Exhibit 10** is a true and correct copy of a December 11, 2023 email Debtors' counsel sent to Sphere replying to Sphere's email offering a compromise under which Debtors produce discovery on their belatedly disclosed damages theories.

12. Attached hereto as **Exhibit 11** is a true and correct copy of CORE-SPH0018186, a spreadsheet Core produced in discovery.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the transcript of a hearing conducted by this Court on August 7, 2023 concerning Core's Motion for Summary Judgment.

Executed on: December 12, 2023

/s/ Gregory N. Wolfe
Gregory N. Wolfe